

FILED

November 30 2006

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR06-0120

FILED

DOUGLAS G. ANDERSON, RUTH M.  
ANDERSON AS TRUSTEE OF THE RUTH M.  
ANDERSON LIVING ESTATE, DAVAR  
GARDNER and TODD GARDNER,

Plaintiffs,

v.

JOHN STOKES, Z-600, INC., and  
SKYLINE BROADCASTERS, INC.,

Defendants.

NOV 30 2006

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ORDER

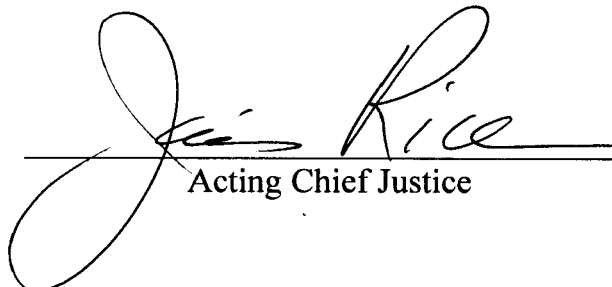
A motion for disqualification having been filed in Flathead County Cause No. DV-01-023C,

IT IS ORDERED:

1. Pursuant to § 3-1-805, MCA, the Honorable Robert L. Deschamps III, District Judge of the Fourth Judicial District, Missoula County, is hereby assigned to hear the disqualification proceeding.

2. The Clerk is directed to mail a true copy of this order to the Honorable Stewart E. Stadler, the Honorable Robert L. Deschamps III, and the Clerk of the District Court of Flathead County, Montana, for notification to counsel of record in Flathead County Cause No. DV-01-023C.

DATED this 30th day of November, 2006.

  
Acting Chief Justice



PR06-0120

**STATE OF MONTANA ELEVENTH JUDICIAL DISTRICT  
FLATHEAD COUNTY**

**FLATHEAD COUNTY JUSTICE CENTER  
920 SOUTH MAIN, KALISPELL, MONTANA 59901**

**District Court Judges**

**Ted O. Lymus  
(406) 758-5667**

**Katherine R. Curtis  
(406) 758-5669**

**Stewart E. Stadler  
(406) 758-5906**

November 27, 2006

Montana Supreme Court  
Attn: Chief Justice Karla Gray  
Room 414 Justice Bldg.  
215 North Sanders  
P.O. Box 203003  
Helena, MT 59620-3003

Re: Douglas Gerald Anderson, Ruth M. Anderson As Trustee of the  
Ruth M. Anderson Living Trust, Davar Gardner, and Todd Gardner v.  
John Stokes Z-600, Inc., and Skyline broadcasters, Inc.  
District Court Cause No. DV-01-023C.

Dear Chief Justice:

Defendant John Stokes, has filed an "Affidavit of Prejudice  
Disqualification for Cause". Accordingly, pursuant to Section 3-  
1-805, MCA, I am referring this matter to you for appropriate  
action. For your information, this case is currently on appeal to  
the Supreme Court and Defendant has also, on the same date, filed  
a Petition For Writ Supervisory Control".

Sincerely,

A handwritten signature of Stewart E. Stadler in dark ink.  
Stewart E. Stadler

cc: David M. Sandler  
James H. Goetz/Trent M. Gardner  
John Stokes

1 John Stokes  
2 P.O.Box 923  
3 Kalispell, Montana 59903  
4 Telephone (406) 752-2600

2005 NOV 15 PM 3:19

BY *RF*  
IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF  
MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

7 DOUGLAS G. ANDERSON, RUTH M.  
8 ANDERSON AS TRUSTEE OF THE RUTH  
9 M. ANDERSON LIVING ESTATE, DAVAR  
10 GARDNER, AND TOOD GARDNER,  
11 PLAINTIFF,

12 VS.

13 JOHN STOKES, Z-600 INC., SKYLINE  
14 BROADCASTERS, INC.,

15 DEFENDANT

Cause No. DV-01-023C

AFFIDAVIT OF PREJUDICE

DISQUALIFICATION FOR CAUSE

16  
17 This affidavit is filed against District Judge Stewart E. Stadler for cause.  
18 DISQUALIFICATION FOR CAUSE

19 Whenever a party to any proceeding in any court shall file an affidavit  
20 alleging facts showing personal bias or prejudice of the presiding  
21 judge, such judge shall proceed no further in the cause. This  
22 affidavit is filed against a district judge Stewart Stadler, the matter  
23 shall be referred to the Montana Supreme Court.

24 Affidavit of John Stokes Stokes Pro Se and representing the dissolved  
25 corporations.

AFFIDAVIT OF PREJUDICE DISQUALIFICATION FOR CAUSE

20

1 I John Stokes after first being duly sworn herby swear by affidavit and  
2 under penalty of perjury, attest to the following. I have first hand  
3 knowledge of the facts.

4 All Plaintiffs herein acquired their servient estate with knowledge of the 160 acre easement and  
5 knowledge the conduit was upon the ground for the last thirty years and their property was to be  
6 used for cattle grazing. The original grantors also agreed not to erect any obstacles whatsoever  
7 within the particularly described easement of 160 acres.

8 MDOT offered cash of approximately \$76,000 to Andersons to bring this suit to reduce or  
9 eliminate the easement and in fact reviewed the Complaint before filing and service. The purpose  
10 was not to pay Stokes and reduce any amount the state may be liable to KGEZ for the highway  
11 condemnation. Andersons submitted the complaint for approval to MDOT and then filed the  
12 summons and complaint against defendants in January 2001.

13 Anderson's have been avoiding the subdivision laws of Montana and creating unlawful  
14 subdivisions of the land circumventing the subdivision laws, and creating family transfers and  
15 agricultural exemptions to create parcels. Then days later reselling the parcels, subject to the  
16 easement, to others, including Gardners. The court is aware of this unlawful activity and refuses  
17 to act. The plaintiffs attorneys are aware of this unlawful activity and also ignore.

18 In August of 2001, Gardners sought to purchase 8 acres from Anderson. Gardners requested  
19 Stokes KGEZ to release the easement from the eight acres and offered \$25,000 per acre for eight  
20 acres or \$200,000.00 for release of the easement encumbering the eight acres. Stokes agreed to  
21 the release. Gardner would lie about this in deposition and later admit it to be true, in front of the  
22 KGEZ office manager Brenda Lynch, and John Stokes.

23 Anderson then created two surveys on September 21, 2001 claiming exemption of the  
24 subdivision laws, as the tract creation were for AG exemption, Family transfer and not subject to  
25

AFFIDAVIT OF PREJUDICE DISQUAIFICATION FOR CAUSE

2

1 subdivision review and sworn under oath to same. (attached) The ag tracts created clearly show  
2 a 60 private road and utility easement trespassing into the KGEZ easement and Tract two.  
3 The next day after recording the ag exempt subdivision the tract was sold to Gardners on  
4 September 22, 2001.

5 Gardners then purchased the property from Anderson for \$500,000.00 for land the State of  
6 Montana Department of Transportation appraised at \$16,000.00.

7 Plaintiff Gardners spoke to John Stokes directly in October 2001 and admitted they met with the  
8 Judge prior to their purchase and were assured the easement would be reduced and they would  
9 not offer any funds for easement release on the eight acres. Without the easement the property is  
10 worth in excess of \$2,000,000.00. If the easement is terminated on tract two the value now  
11 increases to \$4,500,000.00.

12 Defendant personally overheard a conversation of Judge Stu Stadler with Joseph Miccoletti,  
13 retired MDOT employee at Scotty's Bar in October of 2001. The exact quote of Judge Stadler is  
14 as follows:

15 "Davar (Gardner) is a smart businessman. He wouldn't of bought that property unless he could  
16 develop it." Judge Stewart Stadler

17 "A thousand dollars doesn't seem like enough money for all that land" Judge Stewart Stadler

18 Gardners then joined the suit on January 16, 2002, assured of the outcome.

19 This court has at all times, known the plaintiff did not bring this suit because KGEZ was  
20 interfering with their agricultural use.

21 The Judge in this matter also voided the mortgage and secured interest of the first and second  
22 lien holders on the property without summons or complaint or being joined in the action  
23 whatsoever. In fact the Judge denied joinder of the mortgage holders and then later terminated  
24 their mortgages to the benefit of the plaintiffs. The plaintiffs were in foreclosure by the  
25 mortgage holders and defaulted and their interest subject to Sheriff sale. The court without

AFFIDAVIT OF PREJUDICE DISQUALIFICATION FOR CAUSE

3

1 prompting, or motion or joining the mortgage holders void their mortgage to the benefit of the  
2 Gardners and Andersons. Approximately \$2,200,000.00

3  
4 The court has ordered a show cause hearing to terminate the FCC broadcast facilities, An  
5 action to which this court has no jurisdiction, only to further enrich the plaintiffs, when they  
6 have claimed no damages, and shown their contempt of the proceedings by abandoning the  
7 agricultural use 24 hours of entry of the Order.

8 The court has denied defendant John Stokes his right to independent appeal and refused  
9 to act in accordance with the rules and procedure.

10 The court has ordered the defendant to retain counsel no later than November 22, 2006.  
11 Placing defendant in an impossible and prejudicial situation. The court is apprised all assets of  
12 Stokes are attached and lienied by the State of Montana Department of Transportation, making  
13 retention impossible. The circumstances, and actions and the ensuing damages are so  
14 tyrannical, biased, no independent tribunal can judge the facts otherwise. Judge Stadler ensured  
15 the outcome to the plaintiffs, over reached the exclusive jurisdiction of the FCC and warrants  
16 disqualification and a mistrial granted.

17 Affiant understands the ramifications of such a charge. The record in this matter reflects a  
18 previous affidavit whereas these charges were previous made and were unrefuted or denied and  
19 therefore admitted as true by the Plaintiffs. The action of Judge Stadler are now so extreme as  
20 to warrant an immediate intervention.

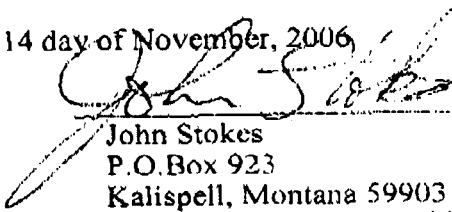
21  
22 Certificate:

23 This Affidavit has been made in good faith.  
24  
25


AFFIDAVIT OF PREJUDICE DISQAIFICATION FOR CAUSE

OTC  
X  
12/19  
Contempt  
+ Rule  
10  
11/20/07

1  
2  
3  
4  
5 Dated this 14 day of November, 2006

6   
7 John Stokes  
8 P.O.Box 923  
9 Kalispell, Montana 59903  
10 Telephone (406) 752-2600

11 Certificate of Service:

12 On November 13, 2006 I Elizabeth Stokes placed into the USPS, postage prepaid the enclosed  
13 herein addressed to the following parties: 

14 Trent Gardner  
15 P.O.Box 6580  
16 Bozeman, Montana 59771-6580

17 David Sandler  
18 P.O.Box 2020  
19 Columbia Falls, Montana 59912  
20  
21  
22  
23  
24  
25

5  
AFFIDAVIT OF PREJUDICE DISQUALIFICATION FOR CAUSE

State of Montana  
County of Flathead  
Nov. 14, 2006.

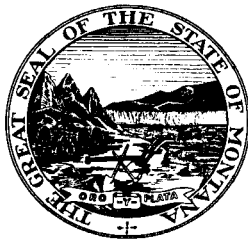
Signed or attested before me on November 14, 2006 by  
John P. Stokes



Elizabeth Stokes Elizabeth Stokes  
Notary Public for the State of Montana  
Title  
Flathead County  
Residing at

[My commission expires: April 20, 2008]





**STATE OF MONTANA ELEVENTH JUDICIAL DISTRICT  
FLATHEAD COUNTY**

FLATHEAD COUNTY JUSTICE CENTER  
920 SOUTH MAIN, KALISPELL, MONTANA 59901

**District Court Judges**

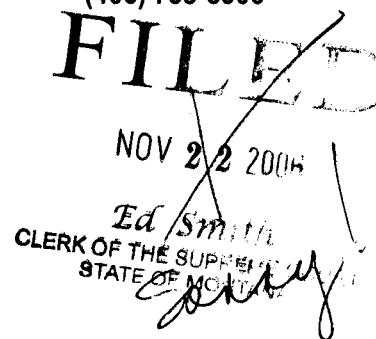
**Ted O. Lympus**  
**(406) 758-5667**

**Katherine R. Curtis**  
**(406) 758-5669**

**Stewart E. Stadler**  
**(406) 758-5906**

November 20, 2006

Montana Supreme Court  
Attn: Chief Justice Karla Gray  
Room 414 Justice Bldg.  
215 North Sanders  
P.O. Box 203003  
Helena, MT 59620-3003



Re: Douglas Gerald Anderson, Ruth M. Anderson As Trustee of the  
Ruth M. Anderson Living Trust, Davar Gardner, and Todd Gardner v.  
John Stokes, Z-600, Inc., and Skyline broadcasters, Inc.  
District Court Cause No. DV-03-451C.

Dear Chief Justice:

Defendant John Stokes, has filed an "Affidavit of Prejudice  
Disqualification for Cause". Accordingly, pursuant to Section 3-  
1-805, MCA, I am referring this matter to you for appropriate  
action. For your information, this case is currently on appeal to  
the Supreme Court and Defendant has also, on the same date, filed  
a Petition For Writ Supervisory Control".

Sincerely,  
  
Stewart E. Stadler

cc: David M. Sandler  
James H. Goetz/Trent M. Gardner  
John Stokes